UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,051	10/02/2003	Yi-Hsung Pang	59629-8011.US01	5322

22918 7590 06/03/2008
PERKINS COIE LLP
P.O. BOX 2168
MENLO PARK, CA 94026

EXAMINER	
WILLIAMS, THOMAS J	
ART UNIT	**PAPER NUMBER**
3683	
MAIL DATE	**DELIVERY MODE**
06/03/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/679,051
Filing Date: October 02, 2003
Appellant(s): PANG, YI-HSUNG

Lisa W. Liou
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed April 9, 2008 appealing from the Office action mailed September 25, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2,155,130	HANEL	4-1939
3,501,167	PALOWSKY	3-1970
3,614,126	CARLSON	10-1971

4,588,206	POWERS	5-1986

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 12-14-16, 19, 20 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson in view of Palowsky.

Re-claims 12, 14-16, 19, 20 and 26-28, Carlson teaches a braking buffer comprising: a weight element or drum 63/65 movable along an axis parallel to the front to rear axis of the vehicle, the drum will move toward the front of the motorcar when brakes of the motorcar are engaged while the motorcar is in motion, and the drum returns to the predefined resting position after the motorcar slows down or comes to a stop; the recovery device biases the drum to the predefined resting position. Furthermore, Carlson teaches that it is known in the art to use a drum biased along a single guiding axis as a stabilizer/buffer in a vehicle, see column 1 lines 36-41. However, Carlson fails to teach the specifics of the buffer as being a weighted drum surrounding a portion of a guiding axis and moveable along the guiding axis, as well as the other recited structure of the buffer device.

Palowsky teaches a vehicle stabilizer/buffer comprising a weighty drum 8 biased in opposing directions along a single guiding axis 7. The drum surrounds a portion of the guiding axis and is capable of moving along the guiding axis in either direction, the stabilizer/buffer is provided with a supporting frame 4, and a coiled spring 10 as a recovery device. It would have been obvious to one of ordinary skill in the art to have replaced each of the stabilizing devices of Carlson with a stabilizing device of the type taught by Palowsky, as each is a functional equivalent aimed at achieving the same result which is to stabilize the motion of the vehicle, in both the longitudinal and lateral directions, thereby achieving the same predictable result of increasing the stabilization of the vehicle during braking, and thereby improving the braking response of the vehicle as well as improving the comfort for the passengers. The stabilizing devices taught by Palowsky would have been oriented as intended by Carlson. The springs 10 will function as a buffering device.

Re-claim 13, the device including the guiding axis is capable of being attached to an underside of the motorcar, see column 2 lines 44-47.

Claims 17, 18, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson in view of Palowsky as applied to claims 12 and 19 above, and further in view of Hanel.

Re-claims 17, 18, 21 and 22, Carlson as modified by Palowsky fail to teach either the recovery device or the buffer device (specifically in the embodiment illustrated in figures 1-4) as comprising either a pneumatic device or elastic rubber. Hanel teaches a stabilizer or braking buffer having a recovery device and buffer device comprising either a coil spring, pneumatic device or rubber device, see column 2 lines 36-39. Each is considered a functional equivalent of the other. It would have been obvious to one of ordinary skill in the art to have substituted the coil spring of Palowsky with either a pneumatic device or elastic rubber device as taught by Hanel, as each would have yielded the predictable result of providing the required recovery function for the buffer device.

Claims 23-25, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson in view of Palowsky as applied to claim 12 above, and further in view of Powers.

Re-claims 23-25, 29 and 30, Carlson as modified by Palowsky fail to teach the buffer devices set to various angles relative to the vehicle, and in particular between 1 and 4 degrees. Powers teaches a vehicle stabilizing or buffer device that is situated at an angle relative to the vehicle, thus improving the response of the stabilizing device. It would have been obvious to one of ordinary skill in the art to have angled the stabilizers of Carlson as modified by Palowsky as taught by Powers, thus improving the damping response of the stabilizer. Furthermore, it would have been obvious to one of ordinary skill in the art as a matter of design choice to have chosen the angle best suited for the vehicle in question, including angles between 1 and 4 degrees, and to have biased the weight towards the back of the motorcar when in a rest position, since applicant has not disclosed that having the recited angle or rest position solves any stated problem or is for any particular purpose and it appears that the braking buffer of Carlson as modified by Palowsky would have performed equally well at an angle of between 1 and 4 degrees as well as having the rest position of the weight towards the rear of the vehicle.

(10) Response to Argument

The applicant's position that the examiner has failed to identify the prior art that teaches all the elements of the pending claims is categorical wrong. The rejection set forth above addresses each and every limitation set forth in the claims. The fact that the applicant is unable to state which element has not been addressed should support this position.

With regards to claims 12-16, 19, 20 and 26-28, the examiner admits that Carlson fails to teach the specific claimed structure of the braking buffer, but does teach the concept of having braking buffers functionally operable in both the front to rear direction of the car, as well as the side to side direction of the car. However, it is noted that Carlson does acknowledge the existence of braking buffers having a weight displaceable along a single axis track, see column 1 lines 36-46, and the shortcomings that such buffers posses. This disclosure provides the artisan with an alternative means by which one could achieve the invention of Carlson, albeit in a slightly more complex manner. As such the examiner relies upon Palowsky as teaching the specific structure of a typical braking buffer having a weight (a.k.a weighty drum) displaceable along a single axis track, as in the instant invention. In particular Palowsky teaches a braking buffer having a guide axis 7, a weighty drum 8 confined to and moveable along the axis, the drum has a predefined rest position (see figure 2), and a recovery device 10. The drum would have moved along the track as claimed when mounted in the front to rear direction of the vehicle as envisioned by Carlson. With specific regards to claims 12, 26 and 27, the orientation in which the buffer device of Palowsky is mounted is considered irrelevant by the examiner, since the examiner relies only on Palowsky for teaching a specific construction of a braking buffer and not how it is oriented on the vehicle. As stated previously the specific orientation is taught by Carlson. It is noted that the orientation of the rear mounted buffer recited in claim 28 is supported by Palowsky.

Furthermore, Carlson provides the basis for utilizing a longitudinal (front to rear direction of the vehicle) stabilizing or braking buffer device in a vehicle, see column 3 lines 13-29 and column 4 lines 33-40. Carlson teaches that by utilizing a stabilizer oriented in the travel direction of the vehicle one can improve the braking response, see column 4 lines 33-40. As stated previously, Carlson merely lacks the specific braking buffer structure as recited in the instant claims, specifically a drum moveable along a guiding axis. Whereupon, the examiner relies upon Palowsky as teaching a braking buffer having the recited structure. It is the opinion of the examiner that the combination of Carlson and Palowsky is proper, as each buffer is expected to yield the same predictable result, which is to provide an increased vehicle stabilization during braking. For these reasons the rejection should be maintained, since merely substituting one type of buffer for another type of buffer would have been obvious to one of ordinary skill in the art at the time of the invention.

With regards to claims 17, 18, 21 and 22, Hanel is merely relied upon as teaching various means by which to provide a recovery function to the weight of a buffer device. These are merely equivalent substitutes for a coil spring, and as such are considered obvious variants by the examiner.

With regards to claims 23-25, 29 and 30, Powers is merely relied upon as teaching the concept of orienting a braking buffer at an angle relative to a normal surface. This improves the stabilization affect that the buffer has upon the vehicle during dynamic maneuvers, see column 3 lines 28-42. Powers goes on to teach that any number of angles are possible and that the buffer could further be adjustable as needed by the operator in response to changing conditions of the vehicle. As such an axis angle of between 1 and 4 degrees relative to the vehicle is clearly within the teachings of Powers.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Thomas J. Williams/

Primary Examiner, Art Unit 3683

Conferees:

Thomas J. Williams /TJW/

Robert Siconolfi /RS/

Meredith Petravick /mcp/